

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. SACV 17-880 JVS (JCGx) Date June 15, 2017

Title DeSilva v. Specialized Loan Service

Present: The Honorable James V. Selna

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) Order Remanding Action**

The Court has reviewed the notice of removal filed by Specialized Loan Service (“Specialized”) on May 19, 2017. (Docket No. 1.) The notice purports to remove a \$304 small claims dispute from the Superior Court of the State of California for the County of Orange.

Plaintiff states her claim as follows:

“The nature of this complaint is towards (1) professional negligence and (2) misrepresentation of services. The defendant wrongfully filed a negative report on plaintiff’s credit after assuring of receipt of payment.”

Plaintiff neither explicitly nor impliedly invokes any federal statute or other basis for relief under federal. There are several obvious potential theories for liability under state law.

Contrary to the notice, plaintiff does not invoke the Fair Credit Report Act or any other federal statute. (Notice, p. 2.)

Because no other basis of jurisdiction than 28 U.S.C. § 1331, which is absent, is asserted, the Court remands the case to the Superior Court of the State of California for the County of Orange.

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Finally, the Court notes that the attempted at removal here hardly comports with the goal of Rule 1 of the Federal Rules of Civil Procedure to provide for a “just, speedy, and inexpensive determination of every action and proceeding.” (Fed. R. Civ. R. 1.) Removal denied plaintiff her June 6, 2017 hearing on her \$304 claim. Specialized’s filing fee was more than the amount of the dispute.

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